

105TH CONGRESS
2D SESSION

H. R. 3940

To amend title XVIII of the Social Security Act to provide for full payment rates under Medicare to hospitals for costs of direct graduate medical education of residents for residency training programs in specialties or subspecialties which the Secretary of Health and Human Services designates as critical need specialty or subspecialty training programs.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1998

Mr. STARK (for himself, Mrs. THURMAN, Mr. CUMMINGS, Mr. HASTINGS of Florida, Ms. KAPTUR, and Ms. BROWN of Florida) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to provide for full payment rates under Medicare to hospitals for costs of direct graduate medical education of residents for residency training programs in specialties or subspecialties which the Secretary of Health and Human Services designates as critical need specialty or subspecialty training programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Medicare Critical Need
3 GME Protection Act of 1998”.

4 **SEC. 2. FULL FTE PAYMENT FOR RESIDENTS IN CRITICAL**
5 **NEED SPECIALTY OR SUBSPECIALTY TRAIN-**
6 **ING PROGRAMS.**

7 (a) TREATMENT AS INITIAL RESIDENCY PERIOD.—

8 (1) IN GENERAL.—Section 1886(h)(5)(F) of
9 the Social Security Act (42 U.S.C.
10 1395ww(h)(5)(F)) is amended—

11 (A) in clause (i)—

12 (i) by striking “clause (ii)” and in-
13 serting “clause (ii) or (iii)”; and

14 (ii) by striking “and” at the end;

15 (B) in clause (ii), by striking the period at
16 the end and inserting “, and”; and

17 (C) by inserting after clause (ii), the fol-
18 lowing new clause:

19 “(iii) subject to the requirement for
20 budget neutrality under paragraph (7), a
21 period of years, determined by the Sec-
22 retary under subparagraph (K)(iv), during
23 which an individual is in a residency train-
24 ing program designated by the Secretary
25 as a critical need specialty or subspecialty,
26 as defined in subparagraph (K), shall be

1 treated as part of the initial residency pe-
2 riod, but shall not be counted against any
3 limitation on the initial residency period.”.

4 (2) DETERMINATION OF CRITICAL NEED SPE-
5 CIALTY OR SUBSPECIALTY.—Section 1886(h)(5) of
6 such Act (42 U.S.C. 1395ww(h)(5)) is amended by
7 adding at the end the following new subparagraph:

8 “(K) CRITICAL NEED SPECIALTY.—

9 “(i) DEFINITION.—The term ‘critical
10 need specialty or subspecialty’ means a
11 specialty or subspecialty designated by the
12 Secretary under this subparagraph with a
13 current or imminent critical shortage of
14 physicians.

15 “(ii) CRITERIA.—For purposes of des-
16 ignating a critical need specialty or sub-
17 specialty under this subparagraph, the Sec-
18 retary shall prescribe criteria for determin-
19 ing critical shortages of physicians or resi-
20 dents in approved medical residency train-
21 ing programs. The Secretary shall publish
22 in the Federal Register the criteria estab-
23 lished under this clause and the form and
24 manner by which data is submitted for the

Secretary's review under this subparagraph.

“(iii) PERIOD OF DESIGNATION.—

“(I) IN GENERAL.—A designation of a critical need specialty or subspecialty under this subparagraph shall apply until the Secretary determines the specialty or subspecialty does not meet the criteria for designation as a critical need specialty or subspecialty.

“(II) REPORT.—In the event the Secretary determines that a specialty or subspecialty no longer meets the criteria for being a critical need specialty or subspecialty, the Secretary shall submit a report to Congress describing the reasons for discontinuing the designation.”.

(b) MAINTAINING BUDGET NEUTRALITY.—Section 1886(h) of such Act (42 U.S.C. 1395ww(h)) is amended by adding at the end the following new paragraph:

“(7) BUDGET NEUTRALITY ADJUSTMENT FOR CRITICAL NEED SPECIALTY OR SUBSPECIALTY DESIGNATION.—If the Secretary designates a critical need specialty

1 or subspecialty for a fiscal year, the Secretary shall make
2 a proportional adjustment to payment amounts under this
3 subsection for such fiscal year so that the aggregate of
4 the payments under this subsection for such fiscal year
5 shall equal the aggregate payments that would have been
6 made under this subsection for such fiscal year if the Sec-
7 retary had not designated a critical need specialty or sub-
8 specialty.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this Act shall apply with respect to payments under sec-
11 tion 1886(h) of the Social Security Act (42 U.S.C.
12 1395ww(h)) made for residents in, or beginning training
13 in, a critical need specialty or subspecialty on or after July
14 1, 1999.

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